

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES ALLEN GIPSON,

Defendant.

NO. CR-07-2056-LRS-1

**ORDER DECLARING MISTRIAL AND
SETTING NEW TRIAL DATE AND
PRETRIAL CONFERENCE DATE**

This matter came on for jury trial on July 21, 2008, and concluded on July 24, 2008 when the Court declared a mistrial on **Count 1** of the **Superseding Indictment** (Ct. Rec. 91). The government was represented by Assistant United States Attorney Jane Kirk. The Defendant, Charles Allen Gipson, was represented by Ken Therrien. This Order is entered to memorialize the oral rulings of the Court.

On July 24, 2008, the jury in the above-captioned case sent a note to the Court, indicating that they were unable to reach a unanimous verdict. Following receipt of the note, the Court examined the jury, in the presence of counsel, and the defendant, as to whether additional time would assist in reaching a verdict. The Court concluded that the jury
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1 was hopelessly deadlocked and that further deliberation would not assist
2 in reaching a unanimous verdict.

3 Accordingly, the Court declared a mistrial and discharged the jury
4 on July 24, 2008.

5 **IT IS HEREBY ORDERED:**

6 1. The Court declares a **MISTRIAL** on Count 1 of the Superseding
7 Indictment (Ct. Rec. 91).

8 2. Defendant's new speedy trial interval on Count 1 of the
9 Superseding Indictment shall begin with the entry of this Order
10 memorializing the oral ruling of the Court. See 18 U.S.C. § 3161(e)
11 (stating trial to "commence within seventy days from the date the action
12 occasioning the retrial becomes final"); *United States v. Crooks*, 804
13 F.2d 1441 (9th Cir. 1986) (holding under 18 U.S.C. § 3161(e) that
14 "district court's order, not the dismissal of the jury, constituted the
15 action occasioning the new trial").

16 3. A pretrial conference is **SET** for **August 13, 2008 at 8:30 a.m.**
17 in **Yakima**, Washington.

18 4. Defendant's **NEW TRIAL** on Count 1 of the Superseding Indictment
19 is set for **September 10, 2008 at 9:00 a.m.** in **Yakima**, Washington.
20 **Counsel shall meet with the Court in Chambers at 8:30 a.m. on the day of**
21 **trial. Any motions will be addressed at a pretrial conference in open**
22 **court at 8:30 a.m.**

23 5. The Court **DENIED** Defendant's Motion for Acquittal, Ct. Rec. 323,
24 filed on July 23, 2008 and orally raised at trial.

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1 **IT IS SO ORDERED.** The District Court Executive is directed to enter
2 this order and to provide copies to all counsel, the U.S. Marshal
3 Service, and the Jury Administrator.

4 **DATED** this 25th day of July, 2008.

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6 ***s/Lonny R. Suko***
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8 LONNY R. SUKO
9 United States District Judge
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